Remarks

The following numbered paragraphs are provided to respond to the similarly numbered paragraphs in the Office Action (e.g., paragraph "1" below corresponds to paragraph 1 in the Office Action.

1. Applicant thanks the Examiner for pointing out the error in the prior application reference number. Applicant notes however that Applicant filed a preliminary amendment on March 5, 2003 that corrected the number. If the preliminary amendment is not in the Office file please let Applicant know and Applicant will provide another copy of the amendment.

2-5. Applicant thanks the Examiner for recognizing that each of claims 22-26, 36, 107 and 108 are supported by Applicant's prior application that pre-dates Yarin.

With respect to claim 1, claim 1 has been amended to eliminate reference to an RF sensor and to more generally reference "RF technology" as suggested by the Examiner and as supported by the second last sentence of the specification. Here Applicant also notes that col. 29, lines 50-52 contemplate an RF coupled link which at least suggests a sensing area in which an RF link could be established.

6. The Office Action indicated that Applicant's previous patent No. 6,259,654 fails to support the limitations in claims 27-29 and 33. Applicant traverses this position. With respect to claim 27, the embodiment of Figs. 31-33 teaches medicant holders 950 that have downwardly facing external surfaces and lateral surfaces where memory devices 960 are mounted to the lateral surfaces. This embodiment also teaches aligners 920 (see Fig. 32) for each of the sensing sections or sensors 940 that distinguish the sensing sections from the non-sensing sections of the surface 918 that is flush with the sensors. This embodiment also teaches that memory devices should be proximate sensors used to obtain information therefrom. Moreover, the parent patent specification teaches that a tray may be substituted for the lid 910 (see again the last paragraph in the parent specification). Where a tray having a substantially flat top

surface is substituted for a lid including a sensor embedded in the lid, the sensor surface on the tray would be horizontal. Applicant notes here that this understanding of the term "tray" is consistent with the way in which the term is used in Yarin (i.e., a tray is a flat member typically forming a horizontal flat surface).

With respect to claim 28, slots 920 are indicia. In addition, the different appearances of the sensors 940 and the other sections of surface 918 as shown best in Fig. 33 are akin to indicia.

With respect to claim 29, the downward facing surface of cassette 950 in Figs. 31-33 has a first shape and slot 920 has a second shape and the first and second shapes are essentially identical (e.g., the shape of the downward surface of cassette 950 is receivable within the space formed by slot 920). Thus, the limitations of claim 29 are taught by the parent specification.

With respect to claim 33, where RF communication is employed as taught in the last paragraph of the parent specification, RF scanning is at least implicit. Thus, the parent specification teaches the limitations of claim 33.

Claim 3 has been amended to eliminate the antecedent basis problem indicated in the Office Action.

7. The Office Action rejected each of claims 1-11, 15, 17, 27-29 and 33 as anticipated by Yarin. Applicant traverses this rejection as Yarin is not prior art against the amended pending claims for the reasons described above.

In addition, with respect to claims 27-29 and 33, each of those claims pends from independent claim 22 and not from claim 1. To be anticipated, a single reference must teach all of the limitations of a claim. The Office Action relies on Glynn and/or Mucciacciaro to anticipate claim 22 and therefore it appears that the Examiner would require more than one reference to obviate as opposed to anticipate each of claims 27-29 and 33. Thus, this 102 rejection appears to be in error.

8. The Office Action rejected each of claims 22 and 107 as anticipated by Glynn. Applicant traverses this rejection.

Among other things, claim 22 requires a container including a specifying device that contains specifying information useable to determine a prescribed dosing regimen for medication in the container and a sensor for receiving specifying information from specifying devices. Glynn teaches a bar code or other type code reader that can be used to read a bar code or other type code that indicates a medication type. Glynn specifically teaches that a prescribed dosing regimen has to be specified by a system user (i.e., by a person), the prescribed regimen thereafter being stored in memory for subsequent use. To this end, Glynn teaches that "[T]he computer may be programmed to scan the tray 9 each time a change in weight is sensed by the weight scale, which would occur each time a medicine container is placed onto the tray 9 or retrieved from the tray 9. A user or patient may then initialize the computer with the correct date and time and identity of any and all medicine containers put on the medicine tray 9." (See col. 4, lines 32-39). Glynn also teaches that "The computer 21 may be programmed to store into the RAM 47, the date, time and dosage for any particular medicine that is retrieved from the medicine tray 9." (See col. 4, lines 57-59). Here, the only way to program the computer that is specified by Glynn is via manual programming (i.e., using a keyboard or the like) which is in direct contradiction to the claim 22 limitation that requires receiving specifying information from the specifying devices.

Thus, for at least this reason Applicant believes claim 22 and claims that depend therefrom are patentably distinct over Glynn.

Claim 107 includes limitations similar to the limitations of claim 22 described above that distinguish over Glynn and therefore Applicant believes claim 107 and claims that depend therefrom are distinct over Glynn for the reasons discussed above.

9. The Office Action rejected each of claims 22-26, 107 and 108 as anticipated by Mucciacciaro. Applicant traverses this rejection.

Among other things, claim 22 requires a container including a specifying device that contains specifying information useable to determine a prescribed dosing regimen for medication in the container and a sensor for receiving specifying information from specifying devices. Mucciacciaro teaches a presence sensor 6 (see Fig. 1) for sensing

the presence of a medication vial but fails to teach or suggest a specifying device that contains specifying information useable to determine a prescribed dosing regimen for medication in the container. To this end, Mucciacciaro teaches that specifying information such as times associated with a schedule for taking medications have to be manually programmed (see col. 2, line 56 through col. 3, line 2). Manual programming is clearly different than receiving specifying information via a sensor and from a specifying device.

In addition, Mucciacciaro fails to teach or suggest any type of sensor that is capable of receiving specifying information. In this regard, Mucciacciaro teaches switches 6 that sense presence of vials. Presence sensing is clearly different than receiving specifying information from a specifying device.

For at least the above reasons Applicant believes claim 22 and claims that depend therefrom are patentably distinct over Mucciacciaro.

With respect to claim 24, claim 24 further requires that the processor use specifying information from each of a plurality of specifying devices to identify dosing regimens for each of a plurality of medicants. Mucciacciaro fails to teach this limitation.

With respect to claim 107, the comments above with respect to claim 22 are applicable. More specifically, claim 107 is a method for use with containers that include specifying devices that contain specifying information that can be used to determine dosing regimens for medication in the containers that requires the step of providing a sensor for receiving specifying information from specifying devices. Mucciacciaro fails to teach or suggest specifying devices or a sensor for receiving information from a specifying device that can be used to determine a dosing regimen.

10. The Office Action rejected each of claims 23-26 and 108 as obvious over Glynn in view of Mucciacciaro. Applicant traverses this rejection.

As indicated above, neither Glynn not Mucciacciaro teach or suggest obtaining specifying information from a specifying device as required by each of claims 22 and 107. Each of claims 23-26 and 108 depends from one of claims 22 and 107 and therefore all of the limitations of claims 23-26 and 108 are not taught or suggested by

the cited references. For this reason Applicant requests that this rejection be withdrawn.

Applicant has introduced no new matter in making the above amendments and antecedent basis exists in the specification and claims as originally filed for each amendment. In view of the above amendments and remarks, Applicant believes claims 1-11, 15, 17, 22-29, 33, 36 and 107-108 of the present application recite patentable subject matter and allowance of the same is requested. No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to enter this amendment, however, if an additional fee is required, please charge Deposit Account No. 17-0055 in the amount of the fee.

Respectfully submitted,

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